

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS,)	
Petitioner,)	
)	
vs.)	Civil Action No. 15-1256
)	
WARDEN ORLANDO HARPER, et al.,)	
Respondents.)	

FREDERICK BANKS,)	
Petitioner,)	
)	
vs.)	Civil Action No. 15-1346
)	
WARDEN PERDENE, et al.,)	
Respondents.)	

FREDERICK BANKS,)	
Petitioner,)	
)	
vs.)	Civil Action No. 15-1498
)	
WARDEN ORLANDO HARPER, et al.,)	
Respondents.)	

ORDER

AND NOW, this 28th day of December, 2015, after the petitioner, Frederick Banks, filed petitions for a writ of habeas corpus at each of the above-referenced docket numbers, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the petitioner a period of time after being served with a copy to file written objections thereto, and upon review of the objections filed by the petitioner at 15-cv-1256 and 15-cv-1346, and upon independent review of the petitions and upon consideration of the Magistrate Judge's Report and Recommendation in each such case, which are adopted as the opinions of this Court in such proceedings,

IT IS ORDERED that the petitions for a writ of habeas corpus filed by petitioner in each of these cases is dismissed without prejudice and administratively closed, and each is deemed as if consolidated with the criminal case pending against him at No. 15-cr-168, in that the petitions here each seek this Court's review of the Order of Detention as to the petitioner in the pending criminal proceeding, ECF No. 20 at 15-cr-168. Such a request for review of detention has been previously filed by counsel on behalf of the petitioner at Criminal Docket No. 15-cr-168 at ECF No. 21, along with various similar filings by the petitioner himself, ECF Nos. 21, 33 and 34 at 15-cr-168.

Those requests for review, and the petitioner's Motions asking this Court to dismiss his appointed counsel, Adrian Roe, ECF No. 36, were denied without prejudice pending the disposition of the competency proceedings ordered by the Court. ECF No. 24 at 15-cr-168. The Court would further note that based on the Court's personal observations in open Court, considered in the context of the nature and content of the plethora of pleadings filed personally by the petitioner in those criminal proceedings and in the multitude of other civil proceedings instituted by Mr. Banks, including these, the Court independently of any Motion of Mr. Banks' counsel would have and does have reasonable cause to call into question the competency of Mr. Banks to understand the nature and consequences of the criminal charges against him and/or to assist in his defense, and/or to conduct his defense of those criminal charges on a *pro se* basis. Thus, the assertions of the petitioner as to Mr. Roe in such regards are thereby rendered immaterial to the issue of the determination of the petitioner's competency.

In his Objections to the Magistrate Judge's Report and Recommendation at 15-cv-1256 and 15-cv-1346, the petitioner also seeks the recusal of this member of the Court based his factually baseless assertions of some sort of *ex parte* communication between this member of the Court and

petitioner's counsel Mr. Roe and/or based on the fact that the petitioner has instituted civil and mandamus proceedings as to this member of the Court. For the reasons stated by the Court in its Order in 15-cr-168 at ECF No. 55, and because the factual allegations of such Objections are baseless, the Court dismisses such Objections for the reasons set forth at ECF No. 55 in 15-cr-168.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge

cc: Frederick H. Banks
120759
Allegheny County Jail
950 2nd Ave.
Pittsburgh, PA 15219